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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 067183/0192

Applicant: Tomoyuki YORINAGA et al.

Title: ASYNCHRONOUS TRANSFER MODE SWITCH

Application No.: 09/929,367

Filed: August 15, 2001

Examiner: Unknown

Art Unit: 2661

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Technology Center 2600

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO-SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

**CERTIFICATION**

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that each item of information A4 – A9 listed on the Form PTO SB/08 submitted with this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement. Item of information A1 is a U.S. patent that is a counterpart to item of information A4; item of information A2 is a U.S. patent that is a counterpart to item of information A7; and item of information A3 is a U.S. patent that is a counterpart to item of information A9.

**RELEVANCE OF EACH DOCUMENT**

A translation of a portion of a Japanese Office Action that issued February 25, 2004 with respect to a counterpart Japanese patent application is provided below.

“Claims 1 through 6  
Publications, etc.

1. Japanese Unexamined Patent Application Publication H11-88374
2. Japanese Unexamined Patent Application Publication H11-136252
3. Japanese Unexamined Patent Application Publication H9-247166

Note

(Claims 1 through 3, 5 and 6)  
Cited Literature 1 and 2

Cited Literature 1 discloses that back pressure signals are generated to the input buffer depending on the queue length of the output buffer of an ATM switchboard and then based on said back pressure signals, rate shaping is carried out at the input buffer (See paragraphs 0051 to 0101).

Cited Literature 2 discloses that as a shaping method for an ATM switchboard, the number of cells of traffic that are waiting for transmission in the queue for every VC is monitored, and when said number of cells exceeds a pre-designated volume, and traffic stagnation occurs, the transmitted traffic volume of said VC can be adjusted within a range for which the transmitted traffic volume per each VC including said VC in the VP where said VC is arranged does not exceed the assigned bandwidth of said VP (see abstract).

Therefore, persons skilled in the art could have easily arrived at the invention in said claims of the present application by employing the structure that controls the total transmitted traffic volume of each VC so that it does not exceed the bandwidth assigned to VP, which is described in Cited Literature 2, as a method of rate shaping in Cited Literature 1.

(Claim 4)  
Cited Literature 1, 2 and 3

A shared bus-type switch having a cell multiplication means and a filter means is a well-known art among persons skilled in the art (See Figure 10 of Cited Literature 3, if necessary).

Record of Prior Art Literature Search Results

Fields Searched - IPC 7th Edition H04L 12/56

Prior Art Literature(s)

Japanese Unexamined Patent Application Publication H8-125668  
Japanese Unexamined Patent Application Publication H10-294741  
Japanese Unexamined Patent Application Publication 2000-31974

This Record of Prior Art Literature Search Results does not constitute a reason for rejection."

Applicant's statements regarding the Japanese Office Action is based on a partial translation that Applicant's representative obtained. This statement should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Applicants respectfully request that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO SB/O8 be returned in accordance with MPEP §609.

Respectfully submitted,

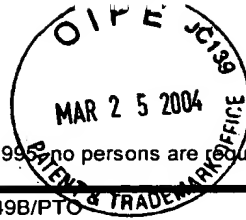
Date

March 25, 2004

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MODIFIED PTO/SB/08 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Date Submitted: March 25, 2004

(use as many sheets as necessary)

Sheet 1 of 1

**Complete if Known**

Application Number	09/929,367
Filing Date	08/15/2001
First Named Inventor	Tomoyuki YORINAGA
Group Art Unit	2661
Examiner Name	Unknown
Attorney Docket Number	067183-0192

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	A1	5,694,554		KAWABATA et al.	12/02/1997	
	A2	6,324,165		FAN et al.	11/27/2001	
	A3	6,512,741		KOHZUKI et al.	01/28/2003	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	A4	JP	8-125668			05/17/1996		ABS
	A5	JP	9-247166			09/19/1997		ABS
	A6	JP	10-294741			11/04/1998		ABS
	A7	JP	11-88374			03/30/1999		ABS
	A8	JP	11-136252			05/21/1999		ABS
	A9	JP	2000-31974			01/28/2000		ABS

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.